

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JENNIFER SANCHEZ,

9 Plaintiff,

10 v.

11 KIRSTJEN NIELSEN, Secretary,
12 United States Department of Homeland
13 Security, Immigration and Customs
14 Enforcement,

15 Defendant.

16 C17-1353 TSZ

17 MINUTE ORDER

18 The following Minute Order is made by direction of the Court, the Honorable
19 Thomas S. Zilly, United States District Judge:

20 (1) Plaintiff's Second Motion to Compel, docket no. 44, is DENIED.

21 Plaintiff's deposition notice identified the following topics relevant to Plaintiff's motion:
22 (1) “[d]iscipline and/or corrective action taken against” several specified employees, (2)
23 “Defendant's policy or protocol regarding internal audits and/or investigations of agents
at ICE,” and (3) “Defendant's policy or protocol regarding the administration of
discipline for agents at ICE.” Declaration of Aubrie D. Hicks in Support of Plaintiff's
Second Motion to Compel, docket no. 44-2, Ex. A. Defendant's representative, Michael
Melendez, testified at length over the course of a day on these topics. In those instances
where Melendez was unable to answer specific questions, those questions strayed from
the topics listed in the deposition notice. Contrary to Plaintiff's assertion, the notice did
not identify investigations of specific employees as a potential topic (as opposed to
discipline and/or corrective action taken against specific agents and ICE policy regarding
employee investigations), nor did it identify decisions declining to impose discipline as a

1 potential topic.¹ The Court's prior Minute Order granting Plaintiff's first motion to
2 compel did not broaden the definition of "discipline" to include investigations or forms of
3 discipline not imposed in specific instances. January 7, 2019 Minute Order, docket
4 no. 40, at 2.

5 (2) The Court declines to award attorneys' fees in connection with this motion.
6 *See Fed. R. Civ. P. 35(a)(5)(B).*

7 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
8 record.

9 Dated this 22nd day of May, 2019.

10
11
12
13
14
15
16
17
18
19
20
William M. McCool _____
Clerk

21
22
23
s/Karen Dews _____
Deputy Clerk

1 Plaintiff could have identified these topics in its deposition notice or could have
2 deposed fact witnesses familiar with specific investigations and decisions not to impose
3 discipline. That Plaintiff opted not to do so does not mean Melendez was inadequately prepared
4 to testify regarding the topics listed.